

April 30, 2021

VIA CM/ECF

Honorable Ramon E. Reyes
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201



National Office
125 Broad Street,
18th Floor
New York, NY 10004
Tel: (212) 549-2644
Fax: (212) 549-2644
aclu.org

Susan N. Herman
President

Anthony D. Romero
Executive Director

Richard Zacks
Treasurer

Re: *CLEAR, et al. v. U.S. Customs and Border Protection*,
No. 19-cv-7079 (EK/RER)

Dear Judge Reyes,

Plaintiffs submit this letter following video oral argument on April 26, 2021. At oral argument, the Court agreed to review *in camera* a sample of the documents at issue to determine the propriety of Defendant's withholdings, including whether Defendant reasonably segregated information, pursuant to the Freedom of Information Act. Plaintiffs identified for the Court's review four documents withheld in full and described in Defendant's Vaughn index, and one document partially withheld. In an abundance of caution, Plaintiffs identify those documents in writing below:

Documents Withheld in Full, ECF No. 39 at Ex. M:

- Doc. No. 5: TTRT Officer Reference Job Aid 2020 (35 pages)
- Doc. No. 11: Cultural and Religious Awareness Class (57 pages)
- Doc. No. 28: TTP_[redacted] Presentation (12 pages)
- Doc. No. 30: TTRT [redacted] Accomplishments (13 pages)

Partially Withheld Document, ECF No. 36 at Ex. H, pp. 43–61:

- PowerPoint Presentation (19 pages)

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/ Scarlet Kim

Tarek Z. Ismail
CLEAR Project
CUNY School of Law
2 Court Square
Long Island City, NY 11101
(718) 340-4141
tarek.ismail@law.cuny.edu

Scarlet Kim
Patrick Toomey
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2500
scarletk@aclu.org
ptoomey@aclu.org

Counsel for Plaintiffs

cc: Kathleen Mahoney (via CM/ECF)
Assistant U.S. Attorney
Counsel for Defendant